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**UNITED STATES DISTRICT COURT  
 FOR THE STATE OF ALASKA**

A.M. et al.	)	
	)	Case No. A05-0179 CV (TMB)
Plaintiffs,	)	
	)	
vs.	)	
	)	
Fairbanks North Star Borough	)	PLAINTIFFS'
School District,	)	MOTION FOR SUMMARY
Defendants.	)	FOR SUMMARY JUDGMENT,
	)	JUDGMENT ON THE
	)	PLEADINGS

**Plaintiffs' Motion for Summary Judgment/Judgment on the Pleadings**


COMES NOW, the Plaintiffs, by and through counsel, hereby files their Motion for Summary Judgment/Judgment on the Pleadings pursuant to F. R. Civ .P. 56 and 12(c) and the Individuals with Disabilities Education Act and Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Summary Judgment and attachments, and hereby moves the court to award summary judgment in favor of Plaintiffs' by ordering the following:

1. Reverse the IHO's determinations that the District could and can lawfully refuse A.M. a full day of programming without any individual determination about his unique needs for same and instead based upon the District's service delivery system;
2. In the alternative, remand the matter to the IHO or a new IHO for a

redetermination of this issue, including any and all appropriate relief;

3. Attorney fees for the underlying due process hearing, the drafting of this complaint, and reasonable attorneys' fees and costs in the pursuit of this action.
4. All other appropriate relief consistent with the IDEA.

Respectfully submitted this 21<sup>st</sup> day of February, 2005. #0511091

  
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Certificate of Service

I hereby certify that on the 21<sup>st</sup> day of February, 2006, a copy of this document was served electronically on:

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